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December 9, 2024

VIA ECF

Hon. Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007-1312

In light of the fact that Petitioners' Application has now been assigned to Judge Rearden, Petitioners' letter should be refiled under Case No. 24-mc-559 (JHR) and directed to Judge Rearden.

SO ORDERED.


Hon. Ronnie Abrams
December 11, 2024

Re: **Request to File Documents Under Seal in *In Re Application of The Man Entities For An Order Pursuant to 28 U.S.C. § 1782 To Obtain Discovery For Use In A Foreign Proceeding; No. 24-mc-555***

Dear Judge Abrams:

We write on behalf of Man Group Limited, Man Strategic Holdings Limited, Man Investments Limited, and Man Investments AG (the “Man Entities”) pursuant to the Court’s Order, dated December 4, 2024 (the “Order”; ECF No. TBD), in the above-captioned matter.¹ The Order provisionally granted the Man Entities’ request to file certain documents supporting the Application under seal in their entirety and, where possible, redacted versions on the public docket (the “Sealing Request”; ECF No. 1), and also directed the Man Entities to “file a letter articulating the basis to seal” certain documents “so that the Court may ‘conduct an individualized review.’” We write now to provide further details regarding the Man Entities’ Sealing Request.

First, the Man Entities’ Sealing Request seeks to protect the confidentiality of certain documents that were “disclosed” (or, in U.S. nomenclature, were produced) to the Man Entities by another litigant in the English Proceedings² underlying the Application or otherwise reflect such produced information (the “Produced Information”). *See* Declaration of Peter Burrell In Support of The Man Entities’ Sealing Request (the “Second Burrell Decl.”) ¶ 7. The Produced Information consists of portions of the (i) Memorandum of Law in Support of the Application (ECF No. 1-3), (ii) the Declaration of Peter J. Burrell (the “Burrell Declaration”) (ECF No. 1-4), and (iii) Exhibits 3, 9–12, 14, and 15 to the Burrell Declaration (ECF Nos. 1-7, 1-13 through 1-16, 1-18, 1-19), as well as the entirety of Exhibit 4 (ECF No. 1-8).

¹ On December 5, 2024, pursuant to the Order, the Man Entities filed their *Application For An Order Pursuant To 28 U.S.C. § 1782 To Obtain Discovery For Use In A Foreign Proceeding* (the “Application”), which has been assigned to the Honorable Jennifer H. Rearden as Case No. 24-mc-559.

² As defined in the Application, the “English Proceedings” refer to *Public Institution for Social Security v. Al Wazzan and Others*, CL-2019-000118, in the High Court of Justice of England and Wales.

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Exhibit 4 is the December 23, 2015 letter from Wafra, Inc. (“Wafra”) to the Public Institute for Social Security (the “Pension Fund”), wherein (as explained in the Application) Wafra makes notable representations that serve as a primary basis for the Man Entities’ requested discovery from Wafra. The Produced Information is contained in documents produced by the Pension Fund to the Man Entities and therefore is not in the public domain. Second Burrell Decl. ¶¶ 7–8. Typically, the Produced Information would not enter the public domain until referred to either at trial (scheduled to begin in March 2025) or an earlier interlocutory hearing (such as the pre-trial hearing scheduled for December 18-20, 2024) in the English Proceedings.³ *Id.* ¶ 7. For solely that reason, the Man Entities sought to file Exhibit 4 under seal in its entirety. *See* Second Burrell Decl. ¶ 7; *cf. In re Terrorist Attacks on September 11, 2001*, No. 03-mdl-01570, 2019 WL 3296959, at *4 (S.D.N.Y. July 22, 2019) (granting sealing of documents protected by Vienna Convention).

The other Produced Information—that is, portions of Exhibits 3, 9-12, 14, and 15—are similarly situated. Each quotes, references, or otherwise discloses non-public information that was contained within Exhibit 4 or other documents produced to the Man Entities. Consequently, for the same reason articulated as to Exhibit 4, the Man Entities sought to file the Produced Information under seal in its entirety and also file redacted versions on the public docket. *See* Second Burrell Decl. ¶ 7.

Second, the Man Entities’ Sealing Request also seeks to protect the privacy of individuals whose personal data appears in certain exhibits to the Burrell Declaration (“Personal Information”)—namely, Exhibits 3, 9, and 13-15 (ECF Nos. 7, 13, and 17-19). The Data Protection Act, 2018 C.12 (UK) (“UK DPA”) restricts the disclosure of personal data (*i.e.*, “any information relating to an identified or identifiable living individual”), which includes email addresses. *See* Second Burrell Decl. ¶ 9 (citing UK DPA, § 3(2)). Based on the restrictions of, and best practices for complying with, the UK DPA, the Man Entities sought to file the Personal Information under seal in its entirety and also file redacted versions on the public docket. *See* Second Burrell Decl. ¶ 9.⁴

³ If the Court is inclined, the Man Entities can update the Court after the upcoming pre-trial hearing on December 18–20, 2024, regarding whether the Produced Documents have entered the public domain.

⁴ Courts in this Circuit have allowed personal information to be redacted under similar circumstances. *Cf. Allianz Glob. Invs. GmbH v. Bank of Am. Corp.*, No. 18-cv-10364, 2021 WL 211544, at *3 (S.D.N.Y. Jan. 21, 2021) (recognizing that filing “under seal is necessary to prevent the unauthorized dissemination of personal data subject to [GDPR] and to protect the privacy interests of [a non-party]”); *In re GTT Commc’ns. Inc.*, No. 21-11880 (Bankr. S.D.N.Y. Nov. 4, 2021) (ECF No. 67) (granting motion to seal sensitive information, including email addresses to comport with the GDPR); *In re B & C KB Hldg GmbH*, No. 22-mc-180, 2023 WL 2021299, at *1 (S.D.N.Y. Feb. 14, 2023) (“[C]ourts have permitted the filing under seal of documents that include personal data, in order to prevent the unauthorized dissemination of such data and to protect an individual’s privacy interest in that data, or the privacy interests of third parties”).

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We appreciate the Court's attention to this matter and remain available should the Court require any additional information.

Respectfully submitted,

/s/ Todd G. Cosenza

Todd G. Cosenza

*Counsel for Man Group Limited, Man
Strategic Holdings Limited, Man Investments
Limited, and Man Investments AG*